

The Honorable Ricardo S. Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

UNITED STATES OF AMERICA, *et al.*,
Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,
Defendants.

**Case No. C70-9213 RSM
Subproceeding: 17-03**

**JOINT STIPULATION AND ORDER
EXTENDING SUPPLEMENTAL
EXPERT DEPOSITION DEADLINE
AS TO UPPER SKAGIT EXPERT DR.
BRUCE MILLER**

STILLAGUAMISH TRIBE OF INDIANS,
Petitioner(s),

v.

STATE OF WASHINGTON, *et al.*,
Respondent(s).

INTRODUCTION

Petitioner Stillaguamish Tribe of Indians (“Stillaguamish”) and Respondents Upper Skagit Indian Tribe (“Upper Skagit”), Swinomish Indian Tribal Community (“Swinomish”), and Tulalip Tribes (“Tulalip”) (collectively, “Parties”) hereby stipulate to extend the supplemental expert deposition deadline for Upper Skagit’s expert witness, Dr. Bruce Miller, from September 24, 2021, to December 15, 2021.

BACKGROUND

By Order dated May 12, 2021, the Court amended the case schedule to permit limited additional expert discovery based on Swinomish’s production of documents following the close of discovery in this matter.¹ Consistent with the amended case schedule, Stillaguamish produced the supplemental expert report of Dr. Chris Friday by June 15, 2021. Also consistent with the amended case schedule, Upper Skagit produced a supplemental rebuttal expert from its expert, Dr. Bruce Miller by August 18, 2021, and Swinomish produced the supplemental rebuttal expert reports from its experts, Dr. Anthony Gulig and Dr. Astrida Blukis-Onat, by August 18, 2021. Tulalip did not produce a supplemental expert report from Dr. Deward Walker. The Parties then conducted supplemental depositions of the expert witnesses for Stillaguamish and Swinomish by September 24, 2021.

Following timely submission of his supplemental rebuttal expert report on August 18, 2021, expert for Upper Skagit, Dr. Bruce Miller, underwent major surgery. As a result of his extended recovery from that procedure, Dr. Miller is not available to appear for a deposition prior to the Court’s previously imposed deadline of September 24, 2021. Although the specific time

¹ Case No. 2:17-sp-00003-RSM, Dkt. ## 215, 218.

Dr. Miller will be available for his supplemental deposition remains unknown, the Parties anticipate that it will be no later than December 15, 2021. Good cause therefore exists to enter the Parties' stipulation.

The Parties do not seek to alter any of the other dates in the case schedule set by the Court in the Order dated May 12, 2021.²

STIPULATION

The Parties hereby jointly stipulate to extending the supplemental expert deposition deadline for Upper Skagit's expert, Dr. Bruce Miller, to December 15, 2021.

DATED this 24th day of September, 2021.

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² Case No. 2:17-sp-00003-RSM, Dkt. # 218.

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ORDER

The case schedule is hereby amended to extend the supplemental expert deposition deadline for Upper Skagit's expert witness, Dr. Bruce Miller, from September 24, 2021, to December 15, 2021.

IT IS SO ORDERED this 28th day of September, 2021.



RICARDO S. MARTINEZ
CHIEF UNITED STATES DISTRICT JUDGE